

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Keaston D'Ahja Kinard,

Plaintiff,

v.

Michael McCall, Dennis Patterson, and  
Willie Davis,

Defendants.

Civil Action No. 8:22-cv-03889-RMG

**ORDER**

This matter is before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge. (Dkt. No. 26). The Magistrate Judge recommends that this action be dismissed pursuant to 28 U.S.C. § 1915A without further leave to amend and without issuance and service of process. Plaintiff objects to the R&R. (Dkt. No. 18).

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where the plaintiff fails to file any specific objections, “a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation omitted).

The Magistrate Judge, in a thorough examination of the facts and law in this matter, recommended the dismissal of this action without further leave to amend and without issuance and service of process. Plaintiff is an inmate incarcerated at the Perry Correctional Institution (“Perry”), an institution within the South Carolina Department of Corrections (“SCDC”). (Dkt. No. 26 at 1). Plaintiff alleges constitutional violations stemming from Plaintiff’s being designated with a security detention custody classification and consequently being placed in the restrictive housing unit at Perry. (Dkt. No. 23 at 14).

The Magistrate Judge recommended the dismissal of this suit on numerous separate and independent grounds. First, the Magistrate Judge found that this action is subject to dismissal because all the Defendants are entitled to dismissal. (Dkt. No. 26 at 10-12). The Magistrate Judge found that “Plaintiff does not allege facts showing how Defendants were personally involved in any of the events giving rise to his claims,” as required by *Vinnedge v. Gibbs*, 550 F.2d 926, 928 (4th Cir. 1977). (*Id.* at 11). Second, the Magistrate Judge found that Plaintiff’s due process claim is subject to dismissal because Plaintiff fails to allege that the harms he allegedly suffered “impose[d] atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.” *Martin v. Duffy*, 858 F.3d 239, 253 (4th Cir. 2017) (quotations omitted). Third, the Magistrate Judge found that Plaintiff’s conditions-of-confinement claim is subject to dismissal because “he does not present any facts showing that any particular individual was deliberately indifferent to state a claim under the Eighth Amendment,” as required by *Farmer v. Brennan*, 511 U.S. 825, 834 (1994). (Dkt. No. 26 at 16).

Plaintiff filed objections to the R&R (Dkt. No. 28), rearguing issues addressed in detail in the R&R. Consequently, the Court overrules all objections to the R&R.

Having thoroughly reviewed the R&R in this matter and Plaintiff's objections, the Court **ADOPTS the R&R** (Dkt. No. 26) as the order of the Court. This action is **DISMISSED** without further leave to amend and without issuance and service or process.

**AND IT IS SO ORDERED.**

s/ Richard Mark Gergel  
Richard Mark Gergel  
United States District Judge

April 25, 2023  
Charleston, South Carolina